

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

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EON-NET, L.P.

Plaintiff,

v.

B&H FOTO & ELECTRONICS CORP.,

Defendant.

Case No. 09 CIV 00150

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiff, Eon-Net, L.P., a limited partnership (hereinafter referred to as "Eon-Net"), demands a jury trial and complains against the defendant as follows:

THE PARTIES

1. Eon-Net is a limited partnership organized and existing under the laws of the British Virgin Islands, with its principal place of business at P.O. Box 116, Road Town, Tortola, British Virgin Islands.

2. Upon information and belief, B&H Foto & Electronics Corp. (hereinafter referred to as "Defendant" or "B&H") is a business organized and existing under the laws of the State of New York, having a place of business at 420 9th Avenue, New York, New York 10001. B&H has been in business for more than 30 years and is one of the nation's leading retailers of consumer and professional photographic, video and audio products.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States of America, Title 35 of the United States Code. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331 and 1338(a).

4. Upon information and belief, Defendant is doing business and committing infringements in this judicial district and is subject to personal jurisdiction in this judicial district.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

CLAIM FOR PATENT INFRINGEMENT

6. Plaintiff, Eon-Net, repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 5 above.

7. On January 27, 2004, U.S. Patent No. 6,683,697 (hereinafter referred to as “the ‘697 patent”) was duly and legally issued to Millennium, L.P. (“Millennium”) for an invention entitled “Information Processing Methodology.” On October 14, 2004, Millennium assigned the ‘697 patent to Eon-Net. A Certificate of Correction to the ‘697 patent issued on July 26, 2005. A copy of the ‘697 patent and the Certificate of Correction are attached to this Complaint as Exhibit 1.

8. Eon-Net is the owner of all right, title and interest in and to the ‘697 patent.

9. On July 11, 2006, U.S. Patent No. 7,075,673 (hereinafter referred to as “the ‘673 patent”) was duly and legally issued to Eon-Net for an invention entitled “Information Processing Methodology.” A copy of the ‘673 patent is attached to this Complaint as Exhibit 2.

10. Eon-Net is the owner of all right, title and interest in and to the ‘673 patent.

11. On February 27, 2007, U.S. Patent No. 7,184,162 (hereinafter referred to as “the ‘162 patent”) was duly and legally issued to Eon-Net for an invention entitled “Information Processing Methodology.” A copy of the ‘162 patent is attached to this Complaint as Exhibit 3.

12. Eon-Net is the owner of all right, title and interest in and to the ‘162 patent.

COUNT ONE

13. Plaintiff, Eon-Net, repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 12 above.

14. B&H has for a long time past and still is infringing, actively inducing the infringement of and/or contributorily infringing in this judicial district, the '673 patent by, among other things, operating a website at www.bhphotovideo.com ("the Website") pursuant to a claim of the '697 patent, without permission from Eon-Net, in which information entered by a B&H customer into an electronic document template displayed on the browser of the customer's computer is extracted according to content instructions and transmitted to an application program operating on Defendant's web server according to customizable transmission format instructions in a manner defined by the claims of the '697 patent. For example, a B&H customer seeking to purchase product can enter information including their first and last name and address into HTML form elements displayed on the web page found at <https://secure.bhphotovideo.com/bnh/controller/home?O=cart&A=checkout&Q=nologin> of the Website. The foregoing information entered into the HTML forms is extracted by the browser and transmitted to an application program running on the B&H web server for processing the customer's order in a format and using a protocol required by the application program.

15. Plaintiff, Eon-Net, has been damaged by such infringing activities by the Defendant of the '697 patent and will be irreparably harmed unless such infringing activities are enjoined by this Court.

COUNT TWO

16. Plaintiff, Eon-Net, repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 15 above.

17. B&H has for a long time past and still is infringing, actively inducing the infringement of and/or contributorily infringing in this judicial district, the '673 patent by, among

1 other things, operating the Website pursuant to a claim of the '673 patent, without permission from
2 Eon-Net, in which information entered by a customer of Defendant into an electronic document
3 template displayed on the browser of the customer's computer is extracted according to content
4 instructions and transmitted to an application program operating on Defendant's web server
5 according to customizable transmission format instructions in a manner defined by the claims of the
6 '673 patent. For example, a B&H customer seeking to purchase product can enter information
7 including their first and last name and address into HTML form elements displayed on the web page
8 found at <https://secure.bhphotovideo.com/bnh/controller/home?O=cart&A=checkout&Q=nologin>
9 of the Website. The foregoing information entered into the HTML forms is extracted by the
10 browser and transmitted to an application program running on the B&H web server for processing
11 the customer's order in a format and using a protocol required by the application program.
12

13 18. Plaintiff, Eon-Net, has been damaged by such infringing activities by the Defendant
14 of the '673 patent and will be irreparably harmed unless such infringing activities are enjoined by
15 this Court.
16

17 **COUNT THREE**

18 19. Plaintiff, Eon-Net, repeats and incorporates herein the entirety of the allegations
19 contained in paragraphs 1 through 18 above.

20 20. B&H has for a long time past and still is infringing, actively inducing the
21 infringement of and/or contributorily infringing in this judicial district, the '162 patent by, among
22 other things, operating the Website pursuant to a claim of the '162 patent, without permission from
23 Eon-Net, in which information entered by a customer of Defendant into an electronic document
24 template displayed on the browser of the customer's computer is extracted according to content
25 instructions and transmitted to an application program operating on Defendant's web server
26 according to customizable transmission format instructions in a manner defined by the claims of the
27 '162 patent. For example, a B&H customer seeking to purchase product can enter information
28

including their first and last name and address into HTML form elements displayed on the web page found at <https://secure.bhphotovideo.com/bnh/controller/home?O=cart&A=checkout&Q=nologin> of the Website. The foregoing information entered into the HTML forms is extracted by the browser and transmitted to an application program running on the B&H web server for processing the customer's order in a format and using a protocol required by the application program.

21. Plaintiff, Eon-Net, has been damaged by such infringing activities by the Defendant of the '162 patent and will be irreparably harmed unless such infringing activities are enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, THE Plaintiff, Eon-Net prays for judgment against the Defendant B&H on all the counts and for the following relief:

- A. Declaration that the Plaintiff is the owner of the '697, '673 and '162 patents, and that the Plaintiff has the right to sue and to recover for infringement thereof;
- B. Declaration that each one of the '697, '673 and '162 patents are valid and enforceable;
- C. Declaration that the Defendant has infringed, actively induced infringement of, and/or contributorily infringed each one of the '697, '673 and '162 patents;
- D. A preliminary and permanent injunction against the Defendant, each of its officers, agents, servants, employees, and attorneys, all parent and subsidiary corporations, their assigns and successors in interest, and those persons acting in active concert or participation with them, enjoining them from continuing acts of infringement, active inducement of infringement, and contributory infringement of Eon-Net's '697, '673 and '162 patents;
- E. An accounting for damages under 35 U.S.C. §284 for infringement of Eon-Net's '697, '673 and '162 patents by the Defendant and the award of damages so ascertained to the Plaintiff, Eon-Net, together with interest as provided by law;
- F. Award of Eon-Net's costs and expenses; and

1 G. Such other and further relief as this Court may deem proper, just and equitable.

2 **DEMAND FOR JURY TRIAL**

3 The Plaintiff, Eon-Net, demands a trial by jury of all issues properly triable by jury in this
4 action.

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10 Dated: January 6, 2009
11 Westfield, NJ